

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Lisa Snyder,

10 Plaintiff,

11 v.

12 David Starr, et al.,

13 Defendants.
14

No. CV-19-05071-PHX-DWL

ORDER

15 On February 18, 2020, the Court screened Plaintiff's complaint pursuant to 28
16 U.S.C. § 1915(e)(2) and dismissed it with leave to amend due to failure to properly allege
17 jurisdiction and failure to state a claim. (Doc. 7.) The Court explained the deficiencies in
18 the complaint and ordered Plaintiff to adhere to the federal and local rules. (*Id.*)

19 On February 25, 2020, Plaintiff filed a first amended complaint ("FAC"). (Doc.
20 8.) The Court once again screens the complaint pursuant to 28 U.S.C. § 1915(e)(2) and
21 concludes that it properly alleges jurisdictional facts and, liberally construed, is
22 "sufficient to meet the low threshold for proceeding past the screening stage." *Wilhelm v.*
23 *Rotman*, 680 F.3d 1113, 1123 (9th Cir. 2012).¹

24 Accordingly,

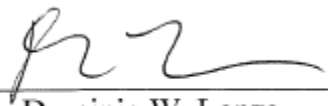
25 **IT IS ORDERED** that service by waiver or service of the summons and
26 complaint shall be at government expense on the defendant by the U.S. Marshal or his
27

28 ¹ "[T]he sua sponte screening and dismissal procedure is cumulative of, not a
substitute for, any subsequent Rule 12(b)(6) motion that [a] defendant may choose to
bring." *Teahan v. Wilhelm*, 481 F. Supp. 2d 1115, 1119 (S.D. Cal. 2007).

1 authorized representative. The Court directs the following:

- 2 1) The Clerk of Court must send Plaintiff a service packet including the FAC (Doc.
3 8), this Order, and both summons and request for waiver forms for the Defendant.
4 2) Plaintiff must complete and return the service packet to the Clerk of Court within
5 30 days of the date of filing of this Order. The United States Marshal will not
6 provide service of process if Plaintiff fails to comply with this Order.
7 3) If Plaintiff does not either obtain a waiver of service of the summons or complete
8 service of the Summons and Complaint on Defendant within 90 days of the filing
9 of the Complaint, the action may be dismissed. Fed. R. Civ. P. 4(m).
10 4) **A Defendant who agrees to waive service of the Summons and Complaint**
11 **must return the signed waiver forms to the United States Marshal, not the**
12 **Plaintiff.**

13 Dated this 27th day of February, 2020.
14

15 
16 _____
17 Dominic W. Lanza
18 United States District Judge
19
20
21
22
23
24
25
26
27
28